

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GENERAL JAMES M. WHITEY BULGER
MALARIK, *et al*,

Plaintiffs,

v.

BEAVER COUNTY JAIL
ADMINISTRATION, *et al*,

Defendants.

Civil Action No. 2:21-cv-855

Hon. William S. Stickman IV
Hon. Lisa Pupo Lenihan

ORDER OF COURT

Pending before the Court are the Motion for Leave to Proceed *in forma pauperis* (“IFP”) filed by General James M. Whitey Bulger Mafia Malarik (“Plaintiff”) and United States Magistrate Judge Lisa Pupo Lenihan’s Report and Recommendation that the motion be denied pursuant to 28 U.S.C. § 1915(g). (ECF Nos. 1 and 2). Magistrate Judge Lenihan determined that Plaintiff filed at least three actions in federal court that were dismissed for failure to state a claim upon which relief may be granted. She concluded that Plaintiff cannot proceed IFP in this action pursuant to § 1915(g) because he was not in imminent danger of serious physical injury at the time he filed his Complaint. (ECF No. 2). Plaintiff was served with the Report and Recommendation and notified that he had until August 6, 2021, to file Objections. (ECF No. 2).

No Objections having been filed, the Court hereby ADOPTS Magistrate Judge Lenihan’s Report and Recommendation as its Opinion. The Court concurs with her legal analysis and conclusion.

AND NOW, this 13 day of August 2021, IT IS HEREBY ORDERED that Plaintiff’s Motion for Leave to Proceed IFP (ECF No. 1) is DENIED pursuant to 28 U.S.C. § 1915(g). IT

IS FURTHER ORDERED that this action is DISMISSED until such time as Plaintiff pays the full \$402.00 filing fee. Even if the other four named Plaintiffs, who have not signed the Complaint or submitted their own motions for leave to proceed *in forma pauperis*, submit motions to proceed *in forma pauperis*, the case will remain closed until the full \$402.00 filing fee is paid. The Clerk of Court is ORDERED to mark this case ADMINISTRATIVELY CLOSED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Wm S Stickman IV", written over a horizontal line.

WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE